

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

NATASHA RANSOM, on behalf of)
and as parent and natural)
guardian of AJAH AMIRACLE)
NELSON, a minor,)
)
Petitioner,)
)
vs.) Case No. 03-2213N
)
FLORIDA BIRTH-RELATED)
NEUROLOGICAL INJURY)
COMPENSATION ASSOCIATION,)
)
Respondent.)
_____)

FINAL ORDER APPROVING STIPULATION AND JOINT PETITION FOR
COMPENSATION OF CLAIM ARISING OUT OF FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY PURSUANT TO CHAPTER 766, FLORIDA STATUTES,
AMENDMENT TO STIPULATION AND JOINT PETITION FOR COMPENSATION OF
CLAIM ARISING OUT OF FLORIDA BIRTH-RELATED NEUROLOGICAL INJURY
PURSUANT TO CHAPTER 766, FLORIDA STATUTES, AND SECOND AMENDMENT
TO STIPULATION AND JOINT PETITION FOR COMPENSATION OF CLAIM
ARISING OUT OF FLORIDA BIRTH-RELATED NEUROLOGICAL INJURY PURSUANT
TO CHAPTER 766, FLORIDA STATUTES

This cause came on to be heard pursuant to Sections 766.304 and 766.305(6), Florida Statutes, upon the Stipulation and Joint Petition of the parties, filed September 23, 2004, Amendment to Stipulation and Joint Petition, filed September 28, 2004, and Second Amendment to Stipulation and Joint Petition, filed October 14, 2004, whereby the parties request the entry of an order approving the resolution of a formal claim for compensation benefits heretofore filed in this cause in accordance with the provisions of Chapter 766, Florida Statutes, and a resolution of the exclusive remedy otherwise available as outlined in

Chapter 766, Florida Statutes.

After due consideration of the interests of all parties, and being otherwise fully advised in the premises, it is

ORDERED that:

1. The Stipulation and Joint Petition of the parties, filed September 23, 2004, as amended by the Amendment to Stipulation and Joint Petition, filed September 28, 2004, and the Second Amendment to Stipulation and Joint Petition, filed October 14, 2004, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioner, Natasha Ransom, as the parent of Ajah Amiracle Nelson, a minor, is accorded an award of One hundred thousand dollars (\$100,000.00), pursuant to Section 766.31(1)(b), Florida Statutes, to be used for purposes consistent with the terms of the parties' stipulation.

3. Upon payment of the award of One hundred thousand dollars (\$100,000.00) to the parent (claimant), attorney's fees and costs in an amount to be determined by separate order, and payment of past expenses, the claims of Petitioner (claimant) shall be deemed fully satisfied and extinguished, except to the extent of Respondent's continuing obligation under the

provisions of Section 766.31, to pay future expenses as incurred.

4. The Division of Administrative Hearings retains jurisdiction over this matter to resolve any dispute as to the interpretation of any provision of the parties' stipulation and to resolve any disputes, should they arise, regarding the parties' compliance with the terms of their stipulation and this Final Order.

DONE AND ORDERED this 25th day of October, 2004, in Tallahassee, Leon County, Florida.



WILLIAM J. KENDRICK
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 25th day of October, 2004.

COPIES FURNISHED:
(via certified mail)

William R. Waters, Jr., Esquire
Pearson & Waters, P.A.
703 North Monroe Street
Tallahassee, Florida 32303

Ronald A. Labasky, Esquire
Landers & Parsons, P.A.
310 West College Avenue
Tallahassee, Florida 32301

Kenney Shipley, Executive Director
Florida Birth-Related Neurological
Injury Compensation Association
1435 Piedmont Drive, East, Suite 101
Post Office Box 14567
Tallahassee, Florida 32308

Tara Louise Wah, M.D.
1219 Hodges Drive
Tallahassee, Florida 32308

Tallahassee Memorial Hospital
1300 Miccosukee Road
Tallahassee, Florida 32308-5054

Ms. Charlene Willoughby
Department of Health
4052 Bald Cypress Way, Bin C-75
Tallahassee, Florida 32399-3275

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this final order is entitled to judicial review pursuant to Sections 120.68 and 766.311, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original of a notice of appeal with the Agency Clerk of the Division of Administrative Hearings and a copy, accompanied by filing fees prescribed by law, with the appropriate District Court of Appeal. See Section 766.311, Florida Statutes, and Florida Birth-Related Neurological Injury Compensation Association v. Carreras, 598 So. 2d 299 (Fla. 1st DCA 1992). The notice of appeal must be filed within 30 days of rendition of the order to be reviewed.